

March 17, 2020

Via ECF  
(212) 805-7912

Hon. John G. Koeltl  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Application granted.  
So Ordered.

New York, NY      /s/ John G. Koeltl  
March 18, 2020      John G. Koeltl  
U.S.D.J.

Re: *Mason v. Reed's Inc.*, Case No. 1:18-cv-10826-JGK

Letter Motion Requesting Extension of Time for  
Defendant Reed's, Inc. to File Responsive Pleading

Dear Judge Koeltl,

Pursuant to Rule 6(b)(1)(A) of the F.R.C.P., Defendant Reed's Inc. ("Reed's"), is hereby requesting an order permitting Defendant to file their Motions to Dismiss Plaintiff's Second Amended Complaint by March 18, 2020, Plaintiff to file Responses by April 2, 2020; and Defendant to file Replies by April 13, 2020, based on the following information:

1. The hearing on Reed's FRCP rule 12(b) Motion to Dismiss Plaintiff's First Amended Complaint was held on January 30, 2020. At that time, the parties agreed that the Plaintiff would file a Second Amended Complaint and the court ordered Plaintiff to file the Amended Pleading by February 14, 2020; Defendant to file Motions by March 6, 2020; Plaintiff to file Responses by March 23, 2020; and Defendant to file Replies by April 4, 2020.
2. Plaintiff timely filed the Second Amended Complaint on February 13, 2020.

3. This is Defendant's third letter request for an extension of the dates ordered by the court. The court granted defendant's first and second request resetting the dates for Defendant to file motions to March 17, 2020; for Plaintiff to file Responses to April 3, 2020; and for Defendant to file Replies to April 13, 2020.
4. Defendant is respectfully requesting one additional day for Defendant to file Motions resetting the date for filing to March 18, 2020 and one day for Plaintiff to file Responses resetting the date to April 4, 2020. Resetting these dates will not affect the date set for Defendant's Replies on April 13, 2020 and will not delay the submission of the matter to the court. The requested extensions also will not affect any other dates.
5. When requesting the last extension for Reed's motions, defense counsel did not anticipate that the state of California would call for the closure of schools and business in response to the corona virus and the postponement of trials. Consequently, counsel was unable to devote full time to completing the motions due to making an unanticipated court appearance on Monday March 16, 2020 in Los Angeles Superior Court for the purpose of resetting dates on two matters, making arrangements for the closing of Gravitas law office and transfer of files and the logistics related to making arrangements for remote schooling and childcare.
6. It is now 11:15 p.m. Pacific Standard Time (2:15 a.m. EST) on April 17, 2020 and counsel has nearly completed the first draft of the motions in this matter; however, it is certain that it will not be possible to complete the draft in time for the midnight filing deadline. Defendant is therefore requesting an extension of one day. Barring some unforeseen interruption, the motions should hopefully be completed for filing around the time the court opens.

Sincerely,

David J. Scharf

Lead Counsel for Defendant Reed's Inc.